

**PUBLIC CHAPTER NO. 1159**

**HOUSE BILL NO. 3638**

**By Representative Coleman**

**Substituted for: Senate Bill No. 3839**

**By Senator Bunch**

AN ACT to amend Tennessee Code Annotated, Section 7-38-104; Section 8-8-201; Title 22; Section 40-18-108; Section 58-1-228; Section 63-3-118; Section 63-5-123 and Section 63-8-117, relative to jury service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 22, is amended by deleting it in its entirety and substituting the following:

Section 22-1-101.

It is policy of this state that all qualified citizens have an obligation to serve on petit juries or grand juries when summoned by the courts of this state, unless excused. Every person eighteen (18) years of age, being a citizen of the United States, and a resident of the state of Tennessee, and of the county in which the person may be summoned for jury service for a period of twelve (12) months next preceding the date of such summons, is legally qualified to act as a grand or petit juror, if not otherwise incompetent under the express provisions of the code.

Section 22-1-102.

The following persons are incompetent to act as jurors:

- (1) Persons convicted of a felony or any other infamous offense in a court of competent jurisdiction; or
- (2) Persons convicted of perjury or subornation of perjury.

Section 22-1-103.

(a) Any person may be excused from serving as a juror if the prospective juror has a mental or physical condition that causes that person to be incapable of performing jury service. The juror, or the juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine

verifying that a mental or physical condition renders the person unfit for jury service.

(b) Any person, when summoned to jury duty, may be excused upon a showing that such person's service will constitute an undue or extreme physical or financial hardship to the prospective juror or a person under the prospective juror's care or supervision.

(1) A judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations unless a judge of that court delegates this authority to the jury coordinator. In the event this authority is not delegated to the jury coordinator, a judge of the court may authorize the jury coordinator to make initial inquiries and recommendations concerning such requests.

(2) A person asking to be excused based on a finding of undue or extreme physical or financial hardship shall take all actions necessary to have obtained a ruling on that request by no later than the date on which the person is scheduled to appear for jury duty.

(3) For purposes of this section, "undue or extreme physical or financial hardship" is limited to circumstances in which a prospective juror would:

(A) Be required to abandon a person under such juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury;

(B) Incur costs that would have a substantial adverse impact on the payment of the juror's necessary daily living expenses or on those for whom such juror provides the principle means of support;

(C) Suffer physical hardship that would result in illness or disease; or

(D) Be deprived of compensation due to the fact that the prospective juror works out-of-state and the out-of-state employer is unwilling to compensate the juror pursuant to § 22-4-106 or that the prospective juror is employed by an employer who is not required to compensate jurors pursuant to § 22-4-106 and declines to do so voluntarily.

(4) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from that prospective juror's place of employment.

(5) A person requesting an excuse based on undue or extreme physical or financial hardship shall be required to provide the judge with income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, an affidavit stating that the person is unable to obtain an appropriate substitute caregiver during the period of participation in the jury pool or on the jury, or similar documentation which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation may result in a denial of the request to be excused.

(c) Documents submitted pursuant to this section shall be maintained by the jury coordinator during the jury service term, but may be destroyed thereafter. These documents are not public records and shall not be disclosed, except pursuant to a court order. However, the jury coordinator shall maintain a list of members of the jury pool who were excused pursuant to this section, and such information shall be made available upon request.

(d) A person excused from jury service pursuant to this section becomes eligible for qualification as a juror following the period ordered by the court, which shall not exceed twenty-four (24) months. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

#### Section 22-1-104.

No person may act as a juror in any case in which the person is interested, or in which either of the parties is connected with the person by affinity or consanguinity, within the sixth degree, computed by the civil law, except by consent of all parties.

Section 22-1-105.

A court may discharge from service a grand or petit juror who does not possess the requisite qualifications, or who is disqualified from such service, or for any other reasonable or proper cause, to be judged by the court. That a state of mind exists on the juror's part which will prevent the juror from acting impartially shall constitute such cause.

Section 22-1-106.

Service of process on any juror while that juror is attending or traveling to or from the court to which the juror is summoned is voidable and subject to challenge.

Section 22-2-101.

(a) This chapter applies to all grand and petit juries in all circuit and criminal courts of this state. This chapter also applies to any law court in any of the counties.

(b) Except as provided in §22-4-101, every private act enacted in this state touching in any way upon the subject of juries, jurors or jury commissioners is repealed in its entirety.

(1) This chapter shall not apply in counties having a population of

<u>not less than</u>	<u>not more than</u>
19,500	19,775
28,350	28,450

according to the 2000 federal census or any subsequent federal census. Jurors and jury panels for the courts in such counties shall continue to be selected in accordance with this chapter as it existed immediately prior to the effective date of this act; provided, however, each member of the board of jury commissioners shall be paid the sum of one hundred dollars (\$100) for each day or fraction thereof spent in the discharge of the duties of the board, which shall be paid by the county from its general fund.

(c) The jury selection methods in the chancery courts of this state shall not be affected in any way by this chapter, except as provided in § 22-2-312.

Section 22-2-102.

(a) It is contempt of court punishable by the court wherein such violation may be under investigation, upon its own motion or upon the petition or motion of the attorney general and reporter,

for any person to alter any automated jury database or jury list, to open any jury box except as herein provided, to destroy, deface, or remove without authority such automated jury database, jury list, jury box or the tickets or cards therein, or jury book or any portion of the same, to assist in or connive any such acts, or for any custodian of an automated juror database, jury box or jury list to knowingly permit any such acts to be done.

(b) It is a Class A misdemeanor punishable by fine only for any person to request or to have another request that the person's name be placed in the jury database, upon the jury list, or in the jury box for the purpose of violating this title.

#### Section 22-2-201.

(a)

(1) The clerk of the circuit court of the county shall be the jury coordinator unless the judge or judges who hold circuit or criminal court in such county appoint someone other than the clerk to serve as the jury coordinator. The jury coordinator, whether it be the clerk or a person appointed by the judges, shall perform all the duties required of the jury coordinator by this title. However, the judges may, in their discretion, distribute the jury coordinator's duties between the circuit court clerk and an appointed jury coordinator.

(2) Before entering upon the duties as jury coordinator, the clerk of the circuit court, or the person filling any separate jury coordinator position, shall take and subscribe, before an officer authorized to administer oaths, the following oath:

"I, \_\_\_\_\_, do solemnly swear or affirm that I will faithfully and impartially discharge the duties imposed upon me as jury coordinator for \_\_\_\_\_ County to the best of my knowledge and ability; that I will never place the name of any person on the jury list or in the jury box whom I know to be unqualified to serve as a juror, or who has to my knowledge solicited or had others to solicit that the person's own name be placed on the jury list or in the jury box, so help me God."

(3) If the circuit court clerk serving as jury coordinator becomes ill or is absent for any cause when the jury coordinator's services are required, the clerk's deputy may take the oath prescribed for the jury coordinator and thereafter perform the jury coordinator

duties in the clerk's absence. If the jury coordinator is a person other than the circuit court clerk, the circuit court clerk may serve as jury coordinator in the jury coordinator's absence after taking the required oath.

(b) If the aforementioned judges appoint a person other than the circuit court clerk to serve as jury coordinator, compensation for such jury coordinator shall be set by the legislative body of the county or the legislative body of the metropolitan government of any county having a metropolitan form of government.

#### Section 22-2-301.

(a) The jury coordinator in each county shall select names of prospective jurors, to serve in the courts of such county, by random automated means, without opportunity for the intervention of any human agency to select a particular name, and in a manner that causes no prejudice to any person. The names, which shall constitute the jury list, shall be compiled from licensed driver records or lists, tax records, or other available and reliable sources which are so tabulated and arranged that names can be selected by automated means. The jury coordinator may utilize a single source or any combination thereof. The jury coordinator is prohibited from using the permanent voter registration records as a source to compile the jury list.

(b) The jury coordinator shall repeat this procedure as often as reasonably necessary, but in no event may a list be retained for more than two (2) years. Prior to repeating this procedure and compiling a new jury list, no person may add to or take from the existing list, except as hereinafter provided.

(c) Notwithstanding the provisions of title 2, chapter 2, part 1 to the contrary, any voter registration form created on or after the effective date of this act by the state coordinator of elections shall clearly state on such form the following: "Names of persons selected for jury service in state court are not chosen from permanent voter registration records."

Section 22-2-302. In the event that any county of this state cannot obtain and select names for jury selection by automated means pursuant to § 22-2-301, such county may utilize the alternate jury selection method set out herein.

(1) The jury box, a suitable and well-bound book in which to record the jury list, and any necessary stationery shall be purchased by the jury coordinator and paid for by the county, and the jury coordinator shall be the custodian of these items. Neither the book nor the box shall be opened except as hereinafter provided.

(2)

(A) The jury coordinator and the circuit court clerk, or the clerk's deputy if the circuit court clerk serves as the jury coordinator, hereinafter referred to as "witness", shall meet in the circuit court clerk's office at a time fixed by the presiding judge of the judicial district to select the names of prospective jurors to serve in the courts of such county. The names, which shall constitute the jury list, shall be selected randomly from licensed driver records or lists, tax records, or other available and reliable sources. The jury coordinator may utilize a single source or any combination thereof. The jury coordinator is prohibited from using the permanent voter registration records as a source to compile the jury list.

(B) The number of such names to be placed on the jury list shall be determined by the presiding judge of the judicial district.

(C) The aforementioned persons shall repeat this procedure as often as reasonably necessary, but in no event may a list be retained for more than two (2) years. Prior to repeating this procedure and compiling a new jury list, no person may add to or take from the existing list, except as hereinafter provided.

(3)

(A) At the top of each page of the well-bound book shall be written or printed the words, "Jury list for \_\_\_\_\_ County." Following these words and preceding the list of names shall be written these words, "Jury List Selected by \_\_\_\_\_, Jury Coordinator for \_\_\_\_\_ County, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_."

(B) Immediately following this heading shall be recorded the list of jurors selected, placing one (1) name on each line, arranging the names in alphabetical order and numbering them consecutively, beginning with No. 1.

(C) At the end of the list shall be written and signed by the jury coordinator and the witness the following: "I, \_\_\_\_\_, Jury Coordinator for \_\_\_\_\_ County, and \_\_\_\_\_, (witness) certify that the foregoing is the jury list selected by us for the next \_\_\_\_\_ year(s)/month(s)/days for the county. This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_."

(4)

(A) The names on the list, preceded by the original number thereof, shall be written by the jury coordinator on tickets or cards of paper uniform in size, and placed in the jury box in the presence of the aforementioned witness, the box to be kept securely locked and under seal, and it shall not be unlocked or the seal broken except by the order of and in the presence of the jury coordinator and a witness, and then only for the purpose of refilling the box or drawing therefrom the names of jurors for jury service, or by order of a judge holding court as hereinafter provided.

(B) The jury book shall be kept in secret by the jury coordinator under lock and key and no one shall be allowed to inspect the same except the presiding judge of the judicial district or the jury coordinator.

#### Section 22-2-303.

In those counties of the state where the circuit or criminal courts or both sit in two (2) places, the jury coordinators for those counties shall be required to select jurors from the territorial jurisdiction of each of the two (2) courts and will maintain two (2) sets of records; one (1) for each of the courts as is provided in this part, the same as if both courts were in separate counties.

#### Section 22-2-304.

(a) In any county in this state where the names of prospective jurors are obtained by automated means pursuant to § 22-2-301, the selection of names of prospective jurors to be summoned shall likewise be made by automated means in such a manner as to assure proportionate distribution of names selected without opportunity for the intervention of any human agency to select a particular name, and in a manner that causes no prejudice to any person. It is the duty of the presiding judge of the judicial district to notify the jury coordinator of the number of names to be selected from the jury list, and these names shall constitute the jury pool.

(b) When the required number of names have been selected for the jury pool, the jury coordinator shall place a list of those names in an envelope, and with the same shall be enclosed a report prepared and signed by the jury coordinator. A copy of the list and report shall be retained by the jury coordinator for use under the provisions of this chapter, and the report shall provide substantially as follows:



To the Honorable \_\_\_\_\_, Presiding Judge  
of the \_\_\_\_\_ Judicial District, at \_\_\_\_\_ County:

I, \_\_\_\_\_ the jury coordinator for such  
county, report that the enclosed names, which have been  
drawn according to law, constitute the jury pool for the  
upcoming jury service term:

This the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Jury Coordinator

Section 22-2-305. In the event that any county of this state cannot obtain and select names for the jury pool by automated means pursuant to § 22-2-304, such county may utilize the alternate jury selection method set out herein.

(1) On Monday, two (2) weeks before each jury service term, the jury coordinator shall unlock the jury box and break the seal thereof, and after well shaking the same, cause to be drawn therefrom in the presence of the witness, that number of names which the presiding judge of the judicial district shall have directed to be drawn, to constitute the jury pool for such jury service term. If the Monday two (2) weeks before the jury service term begins is a legal holiday, the jury coordinator may perform this function on the following business day.

(2) In the event the name is drawn of a person known by the jury coordinator to no longer be qualified or competent to serve pursuant to § 22-1-101 or § 22-1-102, the name shall be put aside and not used, and another name shall be drawn instead. Should the jury coordinator, when drawing names from the jury box, overlook the names of persons who are incompetent or unqualified to serve, the presiding judge of the judicial district and the judge presiding over a trial in which those persons serve as jury panel members each shall have the authority to excuse those persons from jury service and direct that their names be withdrawn from the jury pool.

(3)

(A) Not more than five (5) days before the jury service term and not later than the first day of such term, the jury coordinator and witness shall certify that the names drawn constitute the jury pool for the term by following the procedures below.

(B) When the required number of names have been drawn for the jury pool, the original tickets or cards

on which they have been written shall be placed in an envelope and with the same shall be enclosed a report prepared and signed by the jury coordinator and witness, a copy of which shall be retained by the jury coordinator for use under the provisions of this chapter, substantially as follows:

To the Honorable \_\_\_\_\_, Presiding  
Judge of the \_\_\_\_\_ Judicial District, at  
\_\_\_\_\_ County:

I, \_\_\_\_\_ the jury coordinator for  
such county, and \_\_\_\_\_,  
who witnessed the selection of names, respectfully  
report the following names, which have been drawn  
according to law, arranged alphabetically and  
numbered, as shown on the original tickets or cards  
enclosed with this report, as the jury pool for the  
upcoming jury service term:

Names

No.

No.

No.

We further report that in addition to the  
above list there were drawn from the jury box at the  
same time the following names of persons known  
to the jury coordinator to be unqualified or  
incompetent to serve (copying such names and  
numbers), and we enclose such original tickets or  
cards with this report separate from the other  
tickets or cards.

This the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Jury Coordinator

\_\_\_\_\_  
Witness

(C) The jury coordinator shall then seal the envelope containing the coordinator's report and the original tickets or cards, address the envelope to the presiding judge of the judicial district, write the judge's name across the sealing of the envelope, and deliver the

envelope to the judge at the opening of the jury service term.

Section 22-2-306.

(a) Each juror summons shall include the following:

- (1) Name of the juror;
- (2) Address of the juror;
- (3) Date, time, and place juror is required to appear in response to the summons or, in the alternative, date and method by which the juror is required to contact the jury coordinator or otherwise respond to the court regarding the juror's service;
- (4) Penalty for juror's failure to appear or otherwise respond to the summons in the prescribed manner;
- (5) Juror qualifications listed in §§ 22-1-101 and 22-1-102;
- (6) Process by which the juror may attempt to be excused due to a hardship pursuant to § 22-1-103, including the juror's obligation to submit documentation in support of the juror's request; and
- (7) Process by which the juror may request a postponement of jury service pursuant to § 22-2-315.

(b) The administrative office of the courts shall prepare a form juror summons that may be used by the jury coordinator in any county.

Section 22-2-307.

(a) The sheriff shall summon jurors by first class mail sent to the regular address of each member of the jury pool, giving notice of such person's selection for jury duty. Such summons shall be mailed to such regular address at least ten (10) days prior to the date fixed for such person's appearance for jury service.

(b) Notwithstanding subsection (a), the sheriff may summon jurors by personal service.

(c) The jury coordinator shall provide sufficient information regarding the members of the jury pool to enable the sheriff to summon the jurors pursuant to this section.

(d) Notwithstanding the other provisions of this section, the jury coordinator may, at the coordinator's discretion, summon the jurors by first class mail without the assistance of the sheriff.

Section 22-2-308.

Immediately after the jury pool has been summoned in accordance with § 22-2-307, the jury coordinator shall create a list of the members of the jury pool, and a copy thereof shall be posted in the clerk's office for public inspection. In addition thereto, the jury coordinator shall cause to be made a sufficient number of copies thereof, which shall be placed in the clerk's office and available for general distribution to the members of the bar and to all other interested persons.

Section 22-2-309.

(a) All persons summoned as members of the jury pool shall attend at the time and place designated in the summons, or otherwise respond as specified in the summons, unless excused pursuant to § 22-1-103, granted a postponement pursuant to § 22-2-315, or otherwise discharged in a manner authorized by this title or other binding legal authority.

(b) If a person who has been summoned but not excused or discharged pursuant to subsection (a) fails to appear for service or otherwise respond as directed, a show cause order shall issue and be served upon the person, requiring the person to appear at a date certain and show cause why the person should not be held in civil contempt of court for the person's failure to appear.

(c) Upon the appearance of any person served with a show cause order, the person may make the person's excuse known. If the person was summoned and if the excuse is sufficient in the opinion of a judge of the court for which the individual was called to jury service, such person shall be excused; but the person shall pay the cost incident to issuance and service of the show cause order, unless waived by the judge. If the excuse is insufficient, such person shall be adjudged in civil contempt of court and shall be assessed a civil penalty of not more than five hundred dollars (\$500) and the costs of the show cause order. The court shall suspend payment of that portion of the civil penalty in excess of fifty dollars (\$50.00) upon the condition that the person complete the jury service term for which the person was summoned. The civil penalty authorized by this subsection is remedial in nature.

Section 22-2-310.

(a) The members of the grand and petit juries shall be made up as provided by law from the jury pool. In the event the

original jury pool does not include a sufficient number of jurors, courts shall follow the procedures below for securing additional jurors. These additional names shall supplement, not replace, the original jury pool. These procedures shall be repeated, as necessary, until the grand and petit juries are completed.

(b)

(1) Regardless of whether a county utilizes the automated or manual method of jury selection, additional names shall be selected for the special jury pool in the same manner this part provides for the selection of the original jury pool. Likewise, these members of the special jury pool shall be summoned in the manner specified in § 22-2-307.

(2) In the event the presiding judge of the judicial district is unavailable for good cause, any judge of the court for which the jury pool is being selected may perform the duties required of the presiding judge.

(c)

(1) If a judge presiding over a trial discovers that the number of jurors constituting the panel, or venire, assigned to the trial is not adequate to secure a petit jury, and that the jury pool has been exhausted or contains an insufficient number of jurors, the judge shall direct the jury coordinator to comply with subsection (b) unless the trial is pending in a county which utilizes the manual method of jury selection. In that event, the judge shall direct the jury coordinator to produce the jury box in open court, the judge shall open the box, and there shall be drawn therefrom, as directed by the judge, the number of names deemed by the judge to be sufficient to secure a petit jury for that trial. These prospective jurors shall be summoned by personal service pursuant to § 22-2-307(b) if time constraints preclude compliance with the notice requirement in § 22-2-307(a).

(2) If a judge causes the jury box to be unlocked pursuant to subdivision (c)(1), the judge shall cause it to be relocked and sealed by the jury coordinator, and the judge shall write the judge's own name across the seal. The box then shall be returned by the jury coordinator to its place of keeping.

(d) In the event the names of jurors are selected pursuant to subsection (c) for service in a particular trial, the jury coordinator shall make a list of such names, but the names shall not be removed from the jury list and, in counties utilizing the

manual method of jury selection, shall be returned to the jury box. Service on a jury pursuant to subsection (c) does not constitute jury service for purposes of § 22-2-314, and shall not disqualify or excuse any person from service on the regular juries if the person's name is regularly drawn.

(e) Jurors selected pursuant to this section may be excused for good cause.

#### Section 22-2-311.

(a) At the beginning of the jury service term, the presiding judge of a judicial district which utilizes the manual method of jury selection shall compare the jury coordinator's report with the original tickets or cards contained in the sealed envelope. If they correspond, they shall constitute the jury pool for the jury service term, and the report shall be spread on record in the caption of the first day's minutes. Absent any identifiable irregularities in the jury selection process, the presiding judge of a judicial district which utilizes the automated method of jury selection likewise shall spread the jury coordinator's report on the first day's minutes, and the names listed therein shall constitute the jury pool for the jury service term. Nothing in this subsection (a) is intended to prevent a judge or jury coordinator from subsequently excusing, disqualifying, postponing the service of, or otherwise discharging a member of the jury pool in a manner consistent with this title.

(b) If the presiding judge of the judicial district at any time believes that the jury list has not been prepared or renewed as required by law, the jury box has been tampered with, or any other provisions of this title have been violated, the judge shall have broad authority to investigate. Should the judge conclude that any provisions of this title have been violated, the judge shall correct any irregularities necessary to ensure that this title is duly enforced.

#### Section 22-2-312.

(a) If for any reason a jury pool is not furnished at any jury service term as provided by this part, then the presiding judge of the judicial district shall have the right to select a jury pool as may be needed during the jury service term.

(b) In all counties of this state, regardless of population, jurors required to try issues of fact in the chancery or other court, not supplied with regular jurors, may be summoned instanter, by order of the court, as in subsection (a).

#### Section 22-2-313.

In the absence of fraud, no irregularity with respect to this title or the procedure thereunder shall affect the validity of the selection of any grand jury or the validity of any verdict rendered by a petit jury unless such irregularity has been objected thereto before the jury is sworn.

Section 22-2-314.

A juror who has completed a jury service term shall not be summoned to serve another jury service term in any court of this state for a period of twenty-four (24) months following the last day of such service. However, the county legislative body of any county, may, by majority vote, extend such twenty-four (24) month period.

Section 22-2-315.

(a) Notwithstanding any of the foregoing provisions, individuals scheduled to appear for jury service may request a postponement of the date of their initial appearance for jury service. When requested, postponements shall be granted by the jury coordinator, provided that:

(1) The juror has not previously been granted a postponement;

(2) The prospective juror appears in person or contacts the jury coordinator by telephone, electronic mail, facsimile, or in writing to request a postponement; and

(3) Prior to the grant of a postponement and with the concurrence of the jury coordinator, the prospective juror fixed a date certain on which such juror will appear for jury service within twelve (12) months after the date on which the prospective juror originally was called to serve and on which date the court will be in session.

(b) Notwithstanding subsection (a), if a judge holding court in the county finds good cause to postpone the jury service term for a juror, the judge shall notify the juror and the jury coordinator in writing designating an alternate date to which the juror's service is postponed.

(c) A subsequent request to postpone jury service may be approved by a judge only on the basis of an extraordinary event, such as a death in the prospective juror's family, sudden grave illness, or a natural disaster or national emergency in which the prospective juror is personally involved, that could not have been anticipated at the time the initial postponement was granted. Prior to the grant of a second postponement, the prospective juror must fix a date certain on which the juror will appear for jury service

within twelve (12) months of the postponement and on which date the court will be in session.

(d) A juror who is granted a postponement pursuant to this section shall remain under summons to appear on the alternate date without the necessity of the issuance of a new summons. However, the jury coordinator may, at the coordinator's discretion, issue a new summons.

(e) The jury coordinator shall maintain a list of members of the jury pool whose service was postponed pursuant to this section, and such information shall be made available upon request.

#### Section 22-2-316.

The presiding judge may delegate any or all of the duties imposed upon the judge by this part to another chancellor or judge authorized to conduct jury trials.

#### Section 22-3-101.

Parties in civil and criminal cases or their attorneys shall have an absolute right to examine prospective jurors in such cases, notwithstanding any rule of procedure or practice of court to the contrary.

#### Section 22-3-102.

Either party to an action may challenge for cause any person presented as a petit juror, in either a civil or criminal proceeding, who is incompetent to act as a juror under chapter 1 of this title or who has completed a jury service term in any court of this state within the previous twenty-four (24) months.

#### Section 22-3-103.

Either party to an action may challenge for cause any person who has an adverse interest in a similar suit involving like questions of facts or involving the same parties.

#### Section 22-3-104.

(a) Either party to a civil action may challenge four (4) jurors without assigning any cause.

(b) In the event there is more than one (1) party plaintiff or more than one (1) party defendant in a civil action, four (4) additional challenges shall be allowed to such side or sides of the case; and the trial court shall in its discretion divide the aggregate number of challenges between the parties on the same side which



shall not exceed eight (8) challenges to the side, regardless of the number of parties. Even when two (2) or more cases are consolidated for trial purposes, the total challenges shall be eight (8), as herein provided.

(c) If a party is both a plaintiff and a defendant, that party is considered one (1) party for the purpose of this section.

#### Section 22-4-101.

(a) Every regular juror, including jurors on chancery court juries, is entitled to receive at least ten dollars (\$10.00) for each day's attendance.

(b) The legislative body of any county or the legislative body of the metropolitan government of any county having a metropolitan form of government may by vote increase this rate to an amount in excess of ten dollars (\$10.00) for each day's attendance and to allow all tolls necessarily incurred in going to and returning from court and mileage at the rate of ten cents (10¢) per mile on the way from the home of the juror to the courthouse of the county where such juror is summoned and attends. In the alternative, such county may pay each juror a flat rate of eleven dollars (\$11.00) per day, or any county with a metropolitan or home rule type of government may, at its option, set the compensation for each juror in its county by ordinance, to be paid out of the county treasury.

(c) This section shall not be intended or considered as repealing or rescinding any special or private act now in effect.

(d) The amount of fees or compensation of juries serving in all criminal actions shall be equal to that of juries serving in felony cases.

(e) Notwithstanding this section, any juror who is sequestered is entitled to receive at least thirty dollars (\$30.00) for each day's attendance.

#### Section 22-4-102.

Tales jurors shall be compensated in the same manner as regular jurors.

#### Section 22-4-103.

To qualify for reimbursement, jurors must prove under oath, during the jury service term in which they serve, and before the jury coordinator, the tolls necessarily incurred in going to or returning from their place of residence to the courthouse.

Section 22-4-104.

The jury coordinator shall, when the jury pool is discharged, make out and certify a list of the jurors, with the number of days they have respectively served, and the amount due to each, and deliver the same to the appropriate county official, who shall compensate jurors in the amount due to each of them in accordance with applicable financial procedures in the county.

Section 22-4-105.

It is the duty of the county to issue a warrant in payment of jury service every thirty (30) days, for the full amount due up to that time, to each member of a regular, grand, or petit jury, when the jury service term extends beyond thirty (30) days in length.

Section 22-4-106.

(a)

(1) Upon receiving a summons to report for jury duty, any employee shall on the next day the employee is engaged in such employee's employment exhibit the summons to the employee's immediate superior, and the employer shall thereupon excuse the employee from employment for each day the employee's service as a juror in any court of the United States or the state of Tennessee exceeds three (3) hours.

(2) If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee shall also be excused from employment as provided by this section for the shift immediately preceding the employee's first day of service. After the first day of service, when such person's responsibility for jury duty exceeds three (3) hours during a day, the person whose circumstances fall within the parameters of this subdivision (a)(2) shall be excused from the person's next scheduled work period occurring within twenty-four (24) hours of such day of jury service. Any question concerning the application of this subdivision (a)(2) to a particular work shift or shifts shall be conclusively resolved by the trial judge of the court to which the employee has been summoned.

(b) Notwithstanding the excused absence as herein provided, the employee shall be entitled to such employee's usual compensation received from such employment; however, the employer has the discretion to deduct the amount of the fee or compensation the employee receives for serving as a juror.

Moreover, no employer shall be required to compensate an employee for more time than was actually spent serving and traveling to and from jury duty. If an employer employs less than five (5) people on a regular basis or if the juror has been employed by an employer on a temporary basis for less than six (6) months, the employer is not required to compensate the juror during the period of jury service pursuant to this section.

(c) It is the duty of all persons paying jurors their fee or compensation for jury service to issue to each juror a statement showing the daily fee or compensation and the total amount of fees or compensation received by the juror. Such person also shall provide a juror with a statement showing the number of hours the juror spent serving each day if the juror or juror's employer requests such a statement prior to the service at issue.

(d)

(1) No employer shall discharge or in any manner discriminate against an employee for serving on jury duty if such employee, prior to taking time off, gives the required notice pursuant to subsection (a).

(2)

(A) Any employee who is discharged, demoted, or suspended because such employee has taken time off to serve on jury duty is entitled to reinstatement and reimbursement for lost wages and work benefits caused by such acts of the employer.

(B) Any employer who willfully refuses to rehire, or otherwise restore an employee or former employee, commits a Class A misdemeanor.

(e) Any employer who violates this section commits a Class A misdemeanor.

(f) For the purposes of this section, "employer" includes, but is not limited to, the state of Tennessee or any local government.

Section 22-4-107.

(a) Each prospective juror reporting for jury service shall be provided a form letter that when signed by the prospective juror directs the county treasurer to donate all of the prospective juror's reimbursement for jury service to the criminal injuries compensation fund provided for in title 29, chapter 13.

(b) The county treasurer shall send all donations made under subsection (a) to the state department of the treasury for deposit to the credit of the criminal injuries compensation fund.

SECTION 2. Tennessee Code Annotated, Section 7-38-104, is amended by deleting the following words and punctuation: “, and from serving on juries.”

SECTION 3. Tennessee Code Annotated, Section 8-8-201(b)(1), is amended by deleting the language "22-2-305" and "22-2-308", and substituting "22-2-307" and "22-2-310", respectively.

SECTION 4. Tennessee Code Annotated, Section 40-18-108, is amended by deleting subsection (a) in its entirety and redesignating the subsequent subsection accordingly.

SECTION 5. Tennessee Code Annotated, Section 58-1-228, is amended by deleting it in its entirety.

SECTION 6. Tennessee Code Annotated, Section 63-3-118, is amended by deleting it in its entirety.

SECTION 7. Tennessee Code Annotated, Section 63-5-123, is amended by deleting it in its entirety.

SECTION 8. Tennessee Code Annotated, Section 63-8-117, is amended by deleting it in its entirety.

SECTION 9. This act shall take effect January 1, 2009, the public welfare requiring it.

**PASSED: May 21, 2008**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

**APPROVED this 13th day of June 2008**



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PHIL BREDESEN, GOVERNOR